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NO FEE – GOV’T CODE § 6103

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Los Angeles Superior Court

APR 07 2017

Sherri R. Carter, Executive Officer/clerk

By Shaunya Bolden, Deputy

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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 656889

THE PEOPLE OF THE STATE OF CALIFORNIA,

} Case No.:

Plaintiff,

} COMPLAINT FOR ABATEMENT AND
INJUNCTION

vs.

[HEALTH & SAF. CODE
SECTION 11570, ET SEQ.]

FRANK HALL, aka FRANK BAKER, an individual;
TYSON HALL, an individual; TYRECA DESHON
ANGRUM, an individual; and DOES 1 through 50,
inclusive,

} [Unlimited Action]

Defendants.

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action (“Action”) is brought and prosecuted by Plaintiff, the People of the State of California (“Plaintiff” or “People”), for the purpose of abating and enjoining a dangerous narcotics-related nuisance existing at a single-family dwelling located at 333 West 58th Street, Los Angeles, CA 90037 (the “Property”). The Property was owned by Howard T. Cooper, who passed away in 2004. Since that time, it has become a hub for narcotics sales and related nuisance activity. The Property is located less than 2000 feet from several sensitive sites in the community, including a public park, three schools, and a church.

1 2. Defendants FRANK BAKER aka FRANK HALL ("FRANK BAKER"), TYSON
2 HALL, and others use the Property to freely engage in the sale of narcotics, including crystal
3 methamphetamine. Regularly, individuals loiter in the front yard of the Property and directly
4 outside of the Property, blocking the sidewalk and engaging in the conspicuous consumption
5 of alcohol and marijuana. The People are informed and believe that Defendants FRANK
6 BAKER and TYSON HALL are related to each other as father and son.

7 3. The Property has been a hub for narcotics sales since at least 2012, when LAPD
8 officers arrested a man for possession for sales after observing him engage in a narcotics
9 transaction in front of the Property. Since then, narcotics sales activity has intensified. In
10 January and February of 2017, Los Angeles Police Department ("LAPD") officers conducted
11 four controlled purchases of methamphetamine at the Property (January 24, 2017, January 26,
12 2017, February 8, 2017, and February 28, 2017). All four purchases were initiated, completed,
13 or both, on the Property, and involved either Defendant FRANK BAKER, Defendant TYSON
14 HALL, or both, as the sellers of narcotics. LAPD executed a search warrant at the Property on
15 March 2, 2017, and arrested FRANK BAKER for sales of methamphetamine.

16 4. The rampant narcotics sales at the Property and the Property's corresponding
17 reputation impact the quality of life and threaten the public safety of residents in the
18 community. In late September 2016, two unknown individuals in a pickup truck fired
19 approximately six bullets at Defendants FRANK BAKER and TYSON HALL as they were in the
20 front yard of the Property. Defendant FRANK BAKER got in his vehicle and followed the
21 shooters, ultimately losing the vehicle a couple blocks away. A similar shooting occurred in
22 2005, when an unknown individual in a vehicle fired approximately seven bullets at the
23 Property, hitting a victim in front of the Property three times. In 2015, LAPD officers arrested
24 an individual loitering on the sidewalk in front of the Property for illegally possessing a loaded
25 semi-automatic handgun. Known narcotics locations typically attract violence, including gun
26 violence, and other nuisance activity to the area. This is the case at the Property.

27 5. Howard T. Cooper acquired the Property in July of 1999. Mr. Cooper passed
28 away in June of 2004, but remains the sole person on title. The People are informed and

1 believe that no probate proceedings have been initiated with respect to Mr. Cooper's estate.
2 Mr. Cooper was survived by a spouse and a daughter, both of whom may be residing in Los
3 Angeles. The People's efforts to make contact with either of these individuals have been
4 unsuccessful, prompting the People to bring this Action.

5 **II. THE PARTIES AND THE PROPERTY**

6 **A. Plaintiff**

7 6. Plaintiff, the People, is the sovereign power of the State of California, and is
8 authorized to bring this cause of action pursuant to the Narcotics Abatement Law ("NAL"),
9 Health and Safety Code section 11571, *et seq.*

10 **B. Defendants**

11 7. Defendant FRANK BAKER, an individual, has resided for numerous years and
12 currently resides at the Property. Defendant BAKER participated in the sale of narcotics in two
13 of the four controlled narcotics purchases by LAPD at the Property in early 2017 and was
14 arrested and charged with sales of methamphetamine stemming from those incidents.
15 Defendant FRANK BAKER has bailed out and is currently out of custody.

16 8. Defendant TYSON HALL, an individual, participated in the sale of narcotics in all
17 four of the controlled narcotics purchases that occurred at the Property in early 2017. The
18 People are informed and believe that Defendant HALL also resides at the Property.

19 9. Defendant TYRECA ANGRUM, an individual, resides at the Property and, during
20 the execution of the search warrant on March 2, 2017, she informed LAPD officers that she
21 was the owner of the Property.

22 10. The true names and capacities of defendants sued herein as DOES 1 through
23 50, inclusive, are unknown to the Plaintiff, who therefore sues said defendants by such
24 fictitious names. When the true names and capacities of said defendants have been
25 ascertained, the Plaintiff will ask leave of the Court to amend this complaint and to insert in lieu
26 of such fictitious names the true names and capacities of said fictitiously named defendants.

27 **C. The Property**

28 11. The Property is a single-family dwelling located in the City and County of Los

Angeles legally described as: "Lot 25 in Block 'B' of the McCarthy Company's Subdivision of Moneta Avenue and Figueroa Street Tract, in the City of Los Angeles, as per map recorded in Book 6 Page 164 of Maps, in the Office of the County Recorder of said County." The Los Angeles County Assessor's Parcel Number for the Property is 5101-039-003. A photograph of the Property is attached hereto as Exhibit 1.

12. The Property is located within 2000 feet of Broadway Park, Estrella Elementary School, Aspire/Tate Elementary School, 61st Street Elementary School, and Figueroa Church of Christ. A map showing the location of the Property in relation to these sensitive sites is attached hereto as Exhibit 2.

III. THE NARCOTICS ABATEMENT LAW

13. Since its enactment in 1972, the principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division . . ." (Health & Saf. Code, § 11570).

14. The NAL provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog *inter alia*, “is a nuisance which **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance.” (Health & Saf. Code, § 11570 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

15. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance."

1 16. Health and Safety Code section 11573(a) provides that: "If the existence of the
2 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
3 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
4 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
5 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
6 removal and sale of all fixtures and movable property on the premises used in aiding or
7 abetting the nuisance and for the closure of the building for up to one year.

8 **IV. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

9 **[Health and Safety Code section 11570, et seq. --**

10 **Against Defendants and DOES 1 through 50]**

11 17. Plaintiff hereby incorporates by reference paragraphs 1 through 16 of this
12 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

13 18. The Property has been used, from an exact date unknown, but at least since
14 2012, and is *currently* being used, for the purposes of unlawfully selling, serving, storing,
15 keeping, manufacturing, or giving away controlled substances in violation of Health and Safety
16 Code section 11570, et seq. Further, the Property's community reputation is as a place where
17 narcotics are openly and regularly sold.

18 19. Defendants, and DOES 1 through 50, are responsible for conducting,
19 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
20 no plain, speedy, and adequate remedy at law and unless Defendants, and DOES 1 through
21 50, are restrained and enjoined by order of this Court, they will continue to use, occupy, and
22 maintain, and/or aid, abet, or permit, directly or indirectly, the use, occupation, and
23 maintenance of the Property, together with the fixtures and appurtenances located therein, for
24 the nuisance complained of herein, to the great and irreparable damage of the public and in
25 violation of California law.

26 20. Plaintiff has no plain, speedy, or adequate remedy at law, and injunctive relief is
27 expressly authorized in sections 11570-11578 of the California Health and Safety Code.

28 ///

V. PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND
DECREE AS FOLLOWS:

AS TO DEFENDANTS and DOES 1 through 50:

1. That each Defendant, and the Property, including all building and structures thereon, be declared in violation of Health and Safety Code section 11570, *et seq.*

2. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with section 11581 of the Health and Safety Code.

10 3. That the Court grant a preliminary injunction, permanent injunction and order of
11 abatement in accordance with section 11570, *et seq.*, of the Health and Safety Code, enjoining
12 and restraining each Defendant, and any agents, officers, employees, and anyone acting on
13 their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away
14 controlled substances on the Property, and/or directly or indirectly maintaining or permitting
15 such nuisance activity.

16 4. That the Court issue such orders in accordance with Health and Safety Code
17 section 11573.5 to remedy the nuisance on the Property and enhance the abatement process,
18 including, but not limited to, remedial improvements to the property and termination of the
19 tenancies of those residents involved in the nuisance activity.

20 5. That to the extent that any Defendant is a potential rightful heir, the Court issue
21 orders mandating Defendants to probate the Property so title can pass to the rightful heirs.

22 6. That as part of the Judgment, an Order of Abatement be issued, and that the
23 Property be closed for a period of one year, not to be used for any purpose, and be under the
24 control and custody of this Court for said period of time; or, in the alternative, if the Court
25 deems such closure to be unduly harmful to the community, that Defendants pay an amount of
26 damages equal to the fair market rental value of the Property for one year to the City of Los
27 Angeles in accordance with Health and Safety Code section 11581 subdivision (c)(1).

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1 7. That each Defendant be assessed a civil penalty in an amount not to exceed
2 twenty-five thousand dollars (\$25,000.00) each.

3 8. That all fixtures and moveable property used in conducting, maintaining, aiding,
4 or abetting the nuisance at the Property be removed by the LAPD and sold in the manner
5 provided for the sale of chattels under execution. Said fixtures and property shall be
6 inventoried and a list prepared and filed with this court.

7 9. That there shall be excepted from said sale such property to which title is
8 established in some third party not a defendant, nor agent, officer, employee, or servant of any
9 defendant in this proceeding.

10 10. That the proceeds from said sale be deposited with this court for payment of the
11 fees and costs of sale. Such costs may occur in removal of said property and in closing said
12 Property and keeping it closed.

13 11. That if the proceeds of the sale do not fully discharge all such costs, fees and
14 allowances, the Property shall also be sold under execution issued upon the order of the court
15 or judge and the proceeds of such sale shall be applied in a like manner.

16 12. That any excess monies remaining after payment of approved costs shall be
17 delivered to the owner of said Property. Ownership shall be established to the satisfaction of
18 this court.

19 13. That each Defendant, and any agents, trustees, officers, employees and anyone
20 acting on their behalf, and their heirs and assignees, be perpetually enjoined from transferring,
21 conveying, or encumbering any portion of the Property, for consideration or otherwise, without
22 first obtaining the Court's prior approval.

23 14. That each Defendant be ordered to immediately notify any transferees,
24 purchasers, commercial lessees, or other successors in interest to the subject Property of the
25 existence and application of any temporary restraining order, preliminary injunction, or
26 permanent injunction to all prospective transferees, purchasers, commercial lessees, or other
27 successors in interest, *before* entering into any agreement to sell, lease or transfer the
28 Property, for consideration or otherwise, all or any portion of the Property that is the subject of

1 this action.

2 15. That each Defendant be ordered to immediately give a complete, legible copy of
3 any temporary restraining order and preliminary and permanent injunctions to all prospective
4 transferees, purchasers, lessees, or other successors in interest to the Property.

5 16. That each Defendant be ordered to immediately request and procure signatures
6 from all prospective transferees, purchasers, lessees, or other successors in interest to the
7 subject Property, which acknowledges his/her respective receipt of a complete, legible copy of
8 any temporary restraining order, preliminary and permanent injunction, and deliver a copy of
9 such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney
10 Adam Bierman or his designee.

11 17. That Plaintiff recover the costs of this action, including law enforcement
12 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
13 \$1,000,000.00, from Defendants.

14 18. That Plaintiff recover the amount of the filing fees and the amount of the fee for
15 the service of process or notices that would have been paid but for Government Code section
16 6103.5, designating it as such. The fees may, at the Court's discretion, include the amount of
17 the fees for certifying and preparing transcripts.

18 19. That Plaintiff be granted such other and further relief as the Court deems just and
19 proper.

21 DATED: April 7, 2017

Respectfully submitted,

22 MICHAEL N. FEUER, City Attorney

23 MARY CLARE MOLIDOR, Chief Assistant City Attorney

24 JONATHAN CRISTALL, Supervising Assistant City Attorney

LIORA FORMAN-ECHOLS, Deputy City Attorney

25 By: AB

26 ADAM BIERMAN, Deputy City Attorney

27 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
28 OF CALIFORNIA

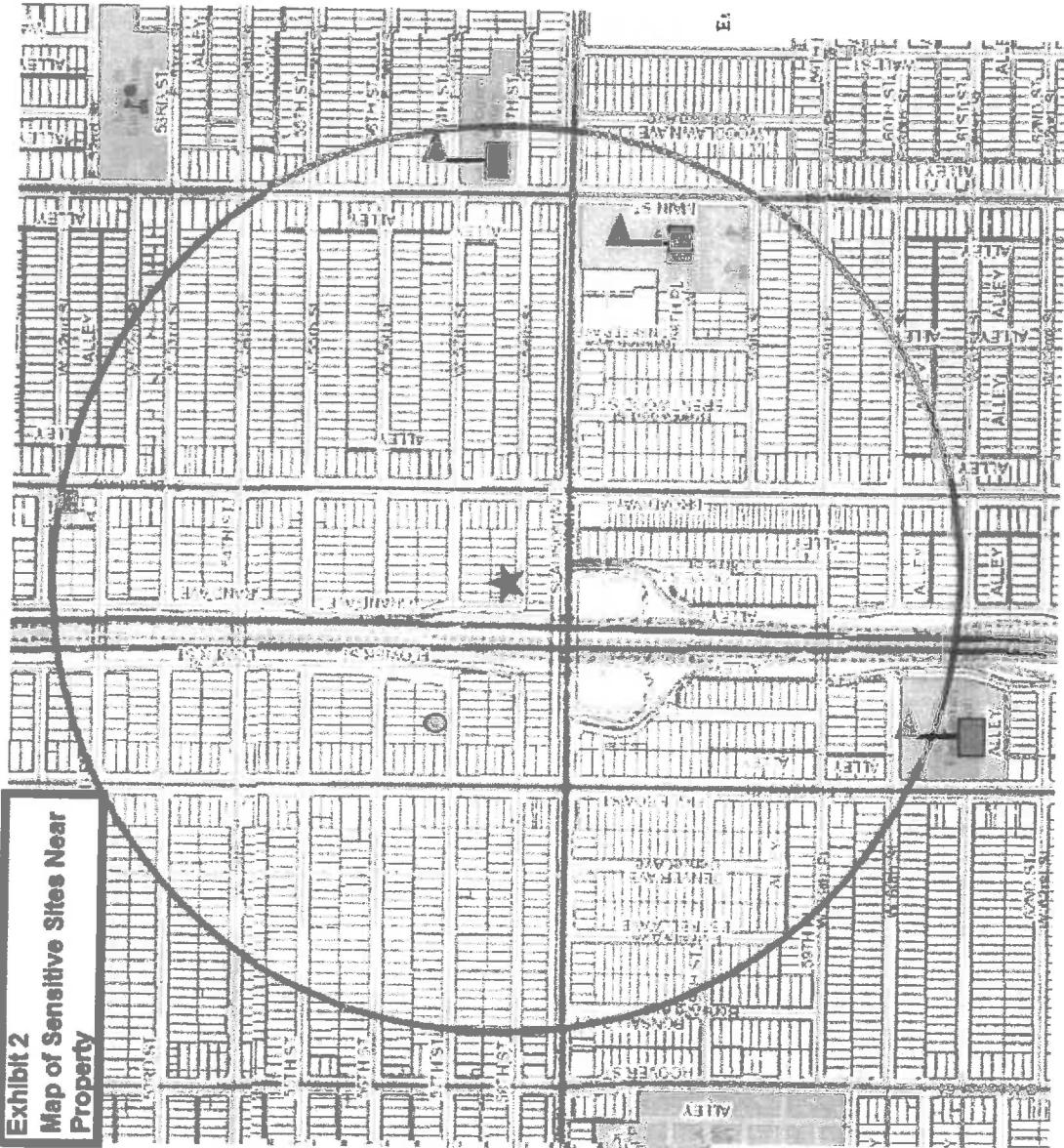
EXHIBIT 1



Exhibit 1
333 W. 58th St.
Los Angeles, CA 90037

EXHIBIT 2

Exhibit 2
Map of Sensitive Sites Near
Property



= 2000 ft radius

= 333 W 58th Street

= Broadway Park
(5207 S Broadway approx 1944 ft away)

= Estrella Elementary School
(5207 S Broadway approx 1944 ft away)

= Aspire/Tate Elementary School
(1123 West 59th Street approx 1418 ft away)

= 61st Street Elementary School
(6620 S Figueroa Street approx 1789 ft away)

= Figueroa Church of Christ
(455 W 57th Street approx 715 ft away)